


FORM OF ORDER SHEET

Court of _____

Restoration Application No. 464/2023

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.07.2023	<p>The application for restoration of appeal No. 514/2021 submitted today by Mr. Muhammad Arif Jan Advocate. It is fixed for hearing before Division Bench at Peshawar on .Original file be requisitioned.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Restoration Appli. No. 464/23

Khyber Pakhtunkhwa
Service Tribunal

CM. No-----/2023

Diary No. 6305

IN

Service Appeal No-514/2021

Dated 06/07/23

Jehanzeb Khan PET Government Middle School Serto Kiyal Lower
Kohistan.....(Petitioner/Appellant)

VERSUS

1. Accountant General Khyber Pakhtunkhwa, Peshawar Cantt.
2. District Accounts Officer, District Lower Kohistan.
3. Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
4. Director (E&SE), Khyber Pakhtunkhwa, Near Govt High School No.01, GT Road, Peshawar.
5. District Education Officer (I), District Kohistan

..... (Respondents)

APPLICATION FOR RESTORATION OF
ABOVE TITLED APPEAL WHICH HAS BEEN
DISMISSED IN DEFUALT FOR NON
PROSECUTION VIDE ORDER DATED 21-06-
2023.

Respectfully Sheweth:

1. That the above titled appeal was pending adjudication and was fixed for 21-06-2023 before this Hon'ble Tribunal.
2. That due to Nephrectomy (Kidney surgery), the undersigned was unable to attend this Hon'ble Tribunal on the date fixed moreover vide order dated 24-05-2023 the appeal was also sent to camp court Abbottabad, hence the absence was not willful.
3. That the undersigned made first appearance after surgery before this Hon'ble Tribunal in appeal titled "Saifullah Jan Vs Govt. & others" and was stunned when came to know about the dismissal of the titled appeal for non-prosecution thus immediately obtained the attested copy

(1)

of the order sheet dated 21-06-2023. (Copies of order dated 21-06-2023 and Hospital Discharge Certificate are attached).

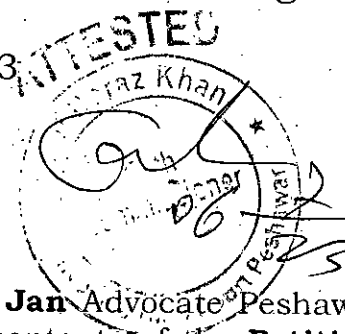
- 4: That the act of non appearance of the petitioner was not deliberately nor intentionally but in fact due to the reason mentioned above.
5. That the appellant has prima facie case against the respondents and also have a hope of success.
6. That if the above titled appeal is not restore, the appellant will suffer with irreparable loss which will not be count in shape of coins.
7. That the application is within time and this Hon'ble Tribunal has got ample powers to restore the above titled appeal and to decide it on merit.

It is, therefore, most humbly prayed that the above titled appeal may very graciously be restore from its original number and proceedings in the best interest of Justice.

Petitioner/Appellant

Through

Dated: 06-07-2023



Muhammad Arif Jan
Advocate, Peshawar.

AFFIDAVIT

I, **Muhammad Arif Jan** Advocate Peshawar, do hereby solemnly affirm and declare, that the contents of the **Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ADVOCATE

(2)

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**



S.A.No. 514 /2021

Jéhanzeb Khan PET Government Middle School Serto Kiyal Lower Kohistan.

.....Appellant

VERSUS

1. Accountant General Khyber Pakhtunkhwa, Peshawar Cantt.
2. District Accounts Officer, District Lower Kohistan.
3. Govt. of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
4. Director (E & SE), Khyber Pakhtunkhwa, Near Govt. High School No.1, G.T Road, Peshawar.
5. District Education Officer (M), District Kohistan

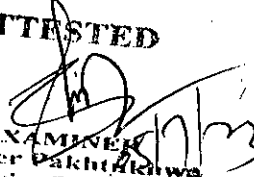
.....Respondents

Appeal u/s 4 of the KP Service Tribunal Act, 1974 against the act, omission and commission of the respondents concerned by way of depriving the appellant from his service benefit (monthly salaries along with other service benefits) being entitled in all respect for which the appellant filed departmental appeal before respondent No.4 which is pending till date.

RESPECTFULLY SHEWETH:-

1. That initially the appellant was appointed against the vacant post of PET vide order dated 05.04.1999 and was posted at GMS Mazoo Pattan, by the Selection Committee after fulfilling all the codal formalities. (Copy of appointment order alongwith service book are Annex "A")
2. That the appellant served the department with full devotion and determination and to the entire satisfaction of his superiors and have been transferred time to time at different schools.
3. That the appellant was finally posted at GMS Serto Kiyal where the appellant regularly attended the school and performed his duties.


ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


24th May, 2023

1. Junior to counsel for appellant present. Mr. Muhammad Jan, District Attorney for respondents present.
2. Junior to counsel for appellant requested for adjournment as senior counsel for appellant is not available today. Adjourned. This case pertains to Camp Court, Abbottabad, therefore, it be fixed for arguments on 21.06.2023 before D.B at Camp Court, Abbottabad.

SCANNED
Digitized by
Mutazem Shah


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman



S.A No.514/2021

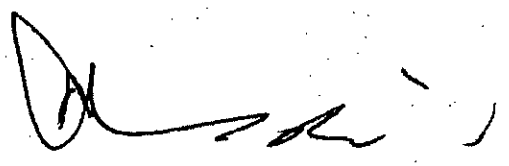
ORDER

21st June, 2023

1. Nobody is present on behalf of appellant. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. This case was called time and again but no one put appearance on behalf of appellant, therefore, the appeal in hand is dismissed in default.
3. *Pronounced in open Court at Abbottabad given under our hands and seal of the Tribunal on this 21st day of June, 2023.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Mutazem Shah

Date of Presentation of Application 05/7/23 Camp Court, Abbottabad

Number of Words page 2

Copying Fee 10/-

Urgent 5/-

Total 15/-

Name of Copyiest Shahzad

Date of Completion of Copy 05/7/23

Date of Delivery of Copy 05/7/23

PRIME TEACHING HOSPITAL

Warsak Road Peshawar

Tel: 091-5200663-4

MRN 2023/0/34870

CS CamScanner

DISCHARGE CARD

Admission No 4322-473 Ward Urology R/B

Name Muhammad Arif

F/H Name _____

Age 49 years Sex (M)

Address New shehza

D.A. 14/6/23 D.O. 14/6/23 D.D. 17/4/23

Diagnosis (R) kidney stone

Operation (RL) Simple Nephrectomy

Condition on Discharge Stable

HOME TREATMENT

گھر آئیے علاج

Tab Tenoplex P ۰۰۳

۱+۱ صبح شام

Imj 250mg 2g IV ۰۰۳

۱+۱ صبح شام

Tab Mezkil 600mg ۰۰۱۰

۱+۱ صبح شام

Drain کو سنبھال لیں ۰۰۳-۰۰۱ کو سنبھال لیں

MEDICAL OFFICER

ہفت ضرورت اسب ہدایت دوبارہ سمانے کیلئے تحریر کیا گیا۔

سبحان رب العزت

☆ صحت بہتر رہی اور کثرت سے پانی پینا چاہئے۔

☆ نالی دیکھیں۔

☆ قرآن پاک کی تلاوت کریں اور صبر پائیں کریں۔

CTC